

**THE MINUTES OF THE CITY COUNCIL MEETING HELD  
MONDAY, MAY 16, 2016 AT 3:00 P.M.**

The Meeting was called to order at 3:00 p.m. Present: Council Chair Fellers; Council Members: Camp, Christensen, Eskridge, Gaylor Baird, Lamm, Raybould; City Clerk: Teresa Meier.

Council Chair Fellers announced that a copy of the Open Meetings Law is posted at the back of the Chamber by the northwest door. He asked all present to stand and recite the Pledge of Allegiance and observe a moment of silent meditation.

**READING OF THE MINUTES**

LAMM Having been appointed to read the minutes of the City Council proceedings of May 9, 2016, reported having done so, found same correct.

Seconded by Raybould & carried by the following vote; AYES: Camp, Christensen, Eskridge, Fellers, Gaylor Baird, Lamm, Raybould; NAYS: None

**PUBLIC HEARING**

APPOINTING MARY M. CAMPBELL TO THE NEBRASKA CAPITOL ENVIRONS COMMISSION FOR A TERM EXPIRING JANUARY 9, 2019 - Mary Campbell, 4629 Hawthorn Drive, applicant, came forward and requested approval. Discussion followed.

This matter was taken under advisement.

APPLICATION OF LOU LOU'S LOUNGE, LLC DBA LOU LOU'S LOUNGE FOR A CLASS C LIQUOR LICENSE AT 5250 CORNHUSKER HIGHWAY;

MANAGER APPLICATION OF LINDEE L. SCHULTE FOR LOU LOU'S LOUNGE, LLC DBA LOU LOU'S LOUNGE AT 5250 CORNHUSKER HIGHWAY - Lindee Schulte, 8311 Windell Way, applicant, came forward and requested approval.

Roy Christensen, Council Member, stated his concern for Ms. Schulte's previous alcohol related convictions and also providing false information to a police officer.

Ms. Schulte stated her D.U.I's happened within 2 weeks of each other and that was 6 years ago and since then she has quit drinking. She has gone to treatment and is still in therapy. The false reporting to an officer was also alcohol related.

Mr. Christensen stated due to those offenses Ms. Schulte's application will automatically go to the State Liquor Commission.

Jane Raybould, Council Member, asked if Ms. Schulte has had any previous experience managing a bar.

Ms. Schulte stated she does not have experience managing a bar, but has managed and operated a cleaning company for 8 years.

Carl Eskridge, Council Member, asked who the prior owner of the bar is and if there was a business connection between Ms. Schulte and the previous owner.

Ms. Schulte stated Paul Holt was the prior owner and she has known him for about 4-5 months. She leases the bar and has also helped clean for his hotel.

This matter was taken under advisement.

MANAGER APPLICATION OF RYAN M. READINGER FOR 1339 O STREET, INC. DBA BROTHERS BAR & GRILL AT 1339 O STREET - Ryan Readinger, 8245 N. Woods Drive #211, applicant, came forward and requested approval.

Carl Eskridge, Council Member, stated he knows in the past there have been issues with the establishment over serving people and allowing under age people in the bar, and asked what steps Mr. Readinger is planning to take to prevent this from happening in the future.

Mr. Readinger stated they now have training manuals that are handed out to every employee. The training manuals go over everything that has to be done, and employees are required to sign off on the manuals. Employees are required to work 7 shifts with another employee solely for training purposes. New employees who are checking ID's will do so with another employee who is fully trained on checking ID's until their training is complete.

This matter was taken under advisement.

APPLICATION OF ASPIRE CELLARS, LLC DBA CELLAR 426 WINERY FOR A SPECIAL DESIGNATED LICENSE TO COVER AN OUTDOOR AREA MEASURING APPROXIMATELY 10 FEET BY 10 FEET AT THE SHOPPES AT PIEDMONT AT 1265 SOUTH COTNER BOULEVARD ON JUNE 4, 2016 FROM 5:00 P.M. TO 11:00 P.M.;

APPLICATION OF MIRETTA VINEYARDS & WINERY, INC. FOR A SPECIAL DESIGNATED LICENSE TO COVER AN OUTDOOR AREA MEASURING APPROXIMATELY 120 FEET BY 180 FEET AT THE SHOPPES AT PIEDMONT AT 1265 SOUTH COTNER BOULEVARD ON JUNE 4, 2016 FROM 5:00 P.M. TO 11:00 P.M.;

**REGULAR MEETING  
MAY 16, 2016  
PAGE 598**

APPLICATION OF JAMES ARTHUR VINEYARDS FOR A SPECIAL DESIGNATED LICENSE TO COVER AN OUTDOOR AREA MEASURING APPROXIMATELY 120 FEET BY 180 FEET AT THE SHOPPES AT PIEDMONT AT 1265 SOUTH COTNER BOULEVARD ON JUNE 4, 2016 FROM 5:00 P.M. TO 11:00 P.M.;

APPLICATION OF WHISKEY RUN CREEK VINEYARD & WINERY, LLC FOR A SPECIAL DESIGNATED LICENSE TO COVER AN OUTDOOR AREA MEASURING APPROXIMATELY 120 FEET BY 180 FEET AT THE SHOPPES AT PIEDMONT AT 1265 SOUTH COTNER BOULEVARD ON JUNE 4, 2016 FROM 5:00 P.M. TO 11:00 P.M. - Brian Wallingford, 2230 N. 60th Street, Event Coordinator, came forward and requested approval.

This matter was taken under advisement.

APPROVING A CONTRACT BETWEEN THE CITY OF LINCOLN AND CAPITAL HUMANE SOCIETY FOR ANIMAL SHELTER SERVICES, PURSUANT TO RFP NO. 16-083, FOR A FOUR-YEAR TERM BEGINNING SEPTEMBER 1, 2016 THROUGH AUGUST 31, 2020, WITH THE OPTION TO RENEW FOR ONE ADDITIONAL FOUR YEAR TERM - Judy Halstead, Lincoln Lancaster County Health Department, came forward and stated negotiations on this contract started early this year due to going into a bi-annual budget and it was the plan to have this contract resolved before submitting the budget, which unfortunately did not happen. The current contract with Capital Humane Society is just a little over \$524,000 a year. The contract beginning in the 2016-2017 year is \$483,434, which is around \$40,000 less than what was paid in the current year. In addition, year 2 will be around \$26,000 less than what is currently being paid. Over the next 4 year term, there is a net savings of around \$75,000. The City has tried to bring Capital Humane Society less animals and focus on bringing more animals home by attempting to identify the owner. If the animal is involved in an altercation with another animal, and that animal needs to be quarantined, they are allowing animals to be quarantined at home, on a home observation, instead of taking them to Capital Humane Society for the 10 day observation period if they are current on their rabies vaccination.

Leirion Gaylor Baird, Council Member, asked with the reduction in price will there be a reduction in service that has not already been in progress.

Ms. Halstead stated there will not be a reduction in services. Capital Humane Society will be continuing the same services that they have provided in the past. They will continue to provide shelter for a lost or stray animal and will hold for 3 days per statute. After the 3 days they can put the animal up for adoption if the owner does not come forward. Typically they will hold the animal a little longer than 3 days to allow owners more time in case an owner is out of town. If an animal is brought to them and there is concern for the animal's health, they will perform a health assessment by a Veterinarian or Veterinarian Technician. They also assist if an animal has to be impounded due to an investigation such as a human bite investigation. They also assist with a stray animal who might have bit a human and need to be tested for rabies. All these services are the same from the previous contract, but the negotiation was based off previous volume and the work the City has done. Capital Humane Society has agreed to reduce what is currently being paid.

Carl Eskridge, Council Member asked if he were out of town and his pet got out and was taken care of by Capital Humane Society who would pay the cost for that service.

Ms. Halstead confirmed the owner would be the one responsible for paying Capital Humane Society. Capital Humane Society will then deduct that price off the bill for the City. In addition, if the animal gets out, Capital Humane Society will make sure the pet is licensed before being returned to the owner. Discussion Followed

Cyndi Lamm, Council Member, inquired about the cost for fiscal year 2018-2019, and 2019-2020 years of compensation are capped out at 3% increase of the previous year. The cost of the total project estimate includes the two years at the 3% cap.

Ms. Halstead confirmed the price estimate does include the 3% cap for the two years up to the maximum of \$2 million. For years 3 and 4 of this agreement, Capital Humane Society will present the number of increased animals from the previous year and they will negotiate up to the 3% cap.

Trent Fellers, Council Member, asked what the funding source is for the agreement.

Ms. Halstead stated part are general fund dollars and depending on user fees. The majority of user fees are spent on animal control. Capital Humane Society is currently the only animal control that has capacity to take in the number of animals, which is around 3,000 that are picked up by the City.

This matter was taken under advisement.

APPROVING THE LABOR CONTRACT BETWEEN THE CITY OF LINCOLN AND LINCOLN POLICE UNION (LPU) FOR A TERM EFFECTIVE AUGUST 13, 2015 THROUGH AUGUST 31, 2016 - Doug McDaniel, Human Resources, came forward and stated the change of the contract are the dates which is for one year and the dates of the Holiday's. In addition, there will be a 3% adjustment for Police Officers and 2.5% adjustment for Sergeants.

Roy Christensen, Council Member asked if there would be an adjustment with how long the contract will last in the future.

Mr. McDaniel stated it is their desire to negotiate across the City to negotiate a 2 year contract, to align with the biennial budget, but we have not been able to accomplish that.

Terry Pope-Gonzales, 349 S. 1st Street, came forward and inquired about officers working when the contract expired in 2015.

Mr. McDaniel stated under the rules of the State of Nebraska and Commission of Industrial Relations there is a Status Quo Order when a contract has not been ratified by the expiration date the status quo stays in place for up to one year. Discussion followed.

This matter was taken under advisement.

APPROVING AN AGREEMENT BETWEEN THE CITY OF LINCOLN ON BEHALF OF THE LINCOLN PARKS AND RECREATION DEPARTMENT AND THE LINCOLN PARKS FOUNDATION TO PROVIDE FUNDING FOR THE WOODS PARK TENNIS CENTER RENOVATION PROJECT AND THE ASSOCIATED ENDOWMENT. (RELATED ITEMS 16R-91, 16R-92);  
AMENDING THE FUNDING SHOWN FOR PARKS AND RECREATION CIP PROJECT 409417 WOODS PARK TENNIS CENTER BY ALLOCATING AN ADDITIONAL \$1,250,000 OF PREVIOUSLY APPROPRIATED, BUT UNALLOCATED KENO FUNDS AND CHANGING AND INCREASING THE APPROPRIATION FROM \$4,600,000 OF CAPITAL CAMPAIGN DONATIONS, IDENTIFIED AS OTHER FUNDS, TO \$4,628,370 FOR THE WOODS PARK TENNIS CENTER PROJECT. (RELATED ITEMS 16R-91, 16R-92) - Lynn Johnson, Parks and Recreation, came forward and provided a letter from the Lincoln Parks and Recreation Association Advisory Board that shows their support for the project. The Parks Department asked the Advisory Board to review and prioritize potential future capital campaigns. The Woods Park Tennis Facility renovation was identified as the number one priority for capital projects. One action is the revised funding agreement between the City and the Lincoln Parks Foundation and the other action is the remaining City contribution that was reduced to \$975,000. The amendments state the City will be actively involved in raising \$275,000. The amendment now addresses the endowment and the construction contingency. The Lincoln Parks Foundation will set aside \$600,000 to be used for both the endowment and the construction contingency. The dates by which the endowment will be put in place have also been amended to allow some extra time. The first \$300,000 will be deposited into the endowment by the end of 2017 and the remaining funds that are available, either through additional fund-raising or that remain from the construction contingency will be deposited into the endowment no later than the end of 2019. The indemnification of the funding that is provided by the Foundation has been amended to the construction funds, the endowment and the construction contingency. There are also amendments to the capital improvement program, the amount of Keno funds directed to the project, and the amount of other funds has been increased which allows spending authority for the private donations and gives the City the ability to spend up to that specified amount should they come in.

Christie Dionisopoulos, 2421 Switchback Road, Executive Director of Lincoln Parks Foundation, came forward and stated the Parks Foundation Board met to approve the amended agreement and also approved a new resolution to make certain that they are committed to the full endowment amount of \$600,000. The foundation wants to make sure all their Donor's are aware that they are fully committed to funding this project. Some of the funds are being put aside for the project construction contingency and when bids come in they will have a more accurate amount of what the construction contingency will be. The Foundation has anticipated having to raise addition funds to cover the contingency. There are strategies in place to help with additional donations. Discussion followed.

Mr. Johnson stated the importance of the action on the amendments and the CIP Agreement is that it allows the project to move forward into construction this summer which avoids any additional cost with winter weather. The City and the Foundation, both have additional fundraising to do. The City funding commitment being finalized is an important part of the project to allow Capital Campaign to continue to reach out to Donors to help the project get capped off.

Jon Camp, Council Member, inquired about the deadlines and if the money is not raised in time.

Ms. Dionisopoulos stated their resolution also states that they will not pay out any funds from the endowment until it reaches \$600,000.

Mr. Camp inquired about the dollar amount the Foundation pays out every year.

Ms. Dionisopoulos stated the endowment for this project is not established, but the other endowments the Foundation use pays out 4.5% a year. That is set aside into a temporarily restricted fund that is available for the project. If the money is not used, it stays in the account and continues to grow until it is needed.

Mr. Camp stated with the facility being new there will be very little that is needed in the beginning years of the project, but when things start needing repairs where will the funds come from if the endowment has not reached \$600,000.

Ms. Dionisopoulos stated they would have to figure that out along the way, but it would not come from the endowment if it has not reached \$600,000 which is where the additional fundraising would help.

Mr. Johnson stated if there is a repair that is needed it will not be Parks and Recreation's responsibility. The responsibility would be The Friends of Woods Tennis as the operators of the facility and the group that is responsible for the long term management of the facility to come up with the funds and this could be a partnership between the Parks Foundation. Parks and Recreation would help out with support, but it would come from private funds to make any repairs that are needed until the endowment is fully funded.

Leirion Gaylor Baird, Council Member, inquired about maintenance needs on the building before the endowment is fully funded and the likelihood of the expenses becoming a reality.

Mr. Johnson explained the building is metal and about an acre in size with a concrete floor, basic restrooms, and a mechanical system and the soonest maintenance would probably be for the mechanical system. The next repair could potentially be the court resurfacing.

**REGULAR MEETING  
MAY 16, 2016  
PAGE 600**

The Friends of Woods Tennis could potentially experience cost savings due to the new HVAC system and will be encouraged to put some of the extra funds aside to use as a contingency fund, but the system should last 10-15 years without needing any significant repairs.

Ms. Gaylor Baird inquired about the anticipated amount if the project does not get approved and does move into winter weather.

Mr. Johnson stated the number cannot be quantified, but if the situation arises, they would have the cost of winter concrete, winter concrete work, blanketing concrete and heating areas. If the project is postponed for a year, the price of materials and the price of labor could go up at least 3%. The schedule on this project was laid out with the anticipation of the project being approved some time in May. The big metal building has already been bid on with favorable bids. The bids have a 30 day expiration period which is currently at 15 days.

Ms. Gaylor Baird inquired about the Construction Manager at Risk model and how that can play into the numbers being on target of the estimates.

Mr. Johnson stated typically a Design Engineer Team would design the project and give cost estimates throughout the process to know where they think the cost will be and then Parks goes out for a bid. The contractor working on the project works side by side with the design firm. This allows the contractor to review the cost and look for cost savings.

Mr. Camp confirmed the endowment is only for capital and for large repairs, not for daily maintenance.

Mr. Johnson confirmed the Foundation has a fund statement that specifies exactly what the funds can be used for. The fund statement specifies this endowment is only to be used for large repairs.

Cyndi Lamm, Council Member, clarified that, based off the new agreement, the additional goal of \$275,000 to be raised is anticipated to come from private funds and that it will not come from City revenue.

Mr. Johnson confirmed the \$275,000 will be raised by private funding and not from City revenue.

Trent Fellers, Council Member, asked how often tennis courts have to be resurfaced.

Mr. Johnson stated typically courts have to be resurfaced about every 7 years. This project provides indoor courts which are protected from UV's and the weather. Ideally, that could protect the courts for 10-12 years.

Tim Hruza, Lincoln Independent Business Association, 5001 S. 65th Street, came forward with concern about additional park dollars being used for new construction instead of current part maintenance.

Jane Kinsey, Watchdogs, came forward and asked why The Friends of Woods Tennis is not being asked to raise more money.

Mr. Johnson stated this is a cooperative fundraising with the Parks and Recreation Department working with the two private groups. The Parks and Recreation Foundation is the fiscal sponsor of the campaign. They have helped organize the campaign and worked with the campaign volunteers to go out and solicit the donations. All donations have come to the Parks Foundation and are being held there and specifically identified for this project. This is a working relationship between the three entities working together cooperatively.

Rick Peo, City Attorney, came forward and stated the motion to amend is to reduce the amount of the Keno funds by \$275,000. The City investment is going to be less than originally anticipated to be and the additional dollars are now to be raised by private donations.

Mr. Camp clarified The Friends of Woods Tennis will purchase a line of credit to ensure the funds do come in over the next few years while pledges are being made for donations.

Mr. Johnson stated more than half of the money is in place through the Parks Foundation and the remaining is anticipated to come in increments over the next 4 years. The Foundation Board has pledged to take out a line of credit to cover the expenses that it has through this agreement and will pay back the credit with pledge payments as they come in. Discussion followed.

This matter was taken under advisement.

APPROVING THE ESTABLISHMENT, EFFECTIVE 9/1/2016, OF THE DOWNTOWN CORE MANAGEMENT BUSINESS IMPROVEMENT DISTRICT WITHIN THE EXTERIOR BOUNDARIES OF AN AREA GENERALLY EXTENDING FROM N STREET ON THE SOUTH AND PINNACLE ARENA DRIVE ON THE WEST; THENCE NORTH AND NORTHEASTERLY ALONG PINNACLE ARENA DRIVE TO 8TH STREET; THENCE SOUTH ALONG 8TH STREET TO S STREET; THENCE EAST ALONG S STREET TO 9TH STREET; THENCE SOUTH ALONG 9TH STREET TO Q STREET; THENCE EAST ALONG Q STREET TO 10TH STREET; THENCE NORTH ALONG 10TH STREET TO A POINT APPROXIMATELY MID-BLOCK BETWEEN Q STREET AND R STREET; THENCE EAST ALONG SAID MID-BLOCK POINT TO 14TH STREET; THENCE SOUTH ALONG 14TH STREET TO Q STREET; THENCE EAST ALONG Q STREET TO CENTENNIAL MALL; THENCE SOUTH ALONG CENTENNIAL MALL TO M STREET; THENCE WEST ALONG M STREET TO 13TH STREET; THENCE SOUTH ALONG 13TH STREET TO L STREET; THENCE WEST ALONG L STREET TO 12TH STREET; THENCE NORTH ALONG 12TH STREET TO M STREET; THENCE WEST ALONG M STREET TO 9TH STREET; THENCE NORTH ALONG 9TH STREET TO N STREET; THENCE WEST ALONG N STREET TO PINNACLE ARENA DRIVE, TO REPLACE THE EXISTING CORE BUSINESS IMPROVEMENT DISTRICT OVERLAY IN THE DOWNTOWN AREA WHICH EXPIRES ON 8/31/2016. (RELATED ITEMS: 16-44, 16-45, 16-46, 16-47);

APPROVING THE ESTABLISHMENT, EFFECTIVE 9/1/2016, OF THE DOWNTOWN MANAGEMENT BUSINESS IMPROVEMENT DISTRICT WITHIN THE EXTERIOR BOUNDARIES OF AN AREA GENERALLY EXTENDING FROM N STREET ON THE SOUTH AND PINNACLE ARENA DRIVE

ON THE WEST; THENCE NORTH AND NORTHEASTERLY ALONG PINNACLE ARENA DRIVE TO 9TH STREET; THENCE SOUTHEASTERLY ALONG 9TH STREET AND I-180 TO A POINT APPROXIMATELY MID-BLOCK BETWEEN R STREET AND Q STREET; THENCE EAST ALONG SAID MID-POINT TO 14TH STREET; THENCE SOUTH ALONG 14TH STREET TO Q STREET; THENCE EAST ALONG Q STREET TO 17TH STREET; THENCE SOUTH ALONG 17TH STREET TO K STREET; THENCE WEST ALONG K STREET TO 14TH STREET; THENCE SOUTH ALONG 14TH STREET TO A POINT APPROXIMATELY MID-BLOCK BETWEEN LINCOLN MALL AND H STREET; THENCE WEST ALONG SAID MID-BLOCK POINT TO 10TH STREET; THENCE SOUTH ALONG 10TH STREET TO K STREET; THENCE WEST ALONG K STREET TO 8TH STREET; THENCE NORTH ALONG 8TH STREET TO N STREET; THENCE WEST ALONG N STREET TO PINNACLE ARENA DRIVE, TO REPLACE THE EXISTING BUSINESS IMPROVEMENT DISTRICT OVERLAY IN THE DOWNTOWN AREA WHICH EXPIRES ON 8/31/2016. (RELATED ITEMS: 16-44, 16-45, 16-46, 16-47);

APPROVING THE DISESTABLISHMENT OF THE WEST HAYMARKET/DOWNTOWN CORE MANAGEMENT BUSINESS IMPROVEMENT DISTRICT, THE BOUNDARIES OF WHICH GENERALLY EXTEND ALONG THE EXTERIOR LINES OF PINNACLE ARENA DRIVE ON THE WEST AND NORTH, NORTH 8<sup>TH</sup> AND NORTH 9<sup>TH</sup> STREETS ON THE EAST, AND O AND N STREETS ON THE SOUTH, EFFECTIVE AUGUST 31, 2016. (RELATED ITEMS: 16-44, 16-45, 16-46, 16-47);

APPROVING THE DISESTABLISHMENT OF THE WEST HAYMARKET/DOWNTOWN MANAGEMENT BUSINESS IMPROVEMENT DISTRICT, THE BOUNDARIES OF WHICH GENERALLY EXTEND ALONG THE EXTERIOR LINES OF PINNACLE ARENA DRIVE ON THE WEST AND NORTH, NORTH 10<sup>TH</sup> STREET ON THE EAST, AND Q, R AND N STREETS ON THE SOUTH, EFFECTIVE AUGUST 31, 2016. (RELATED ITEMS: 16-44, 16-45, 16-46, 16-47) - Rick Peo, City Attorney, came forward and stated the request was made based on the recommendation of the Downtown Lincoln Business Improvement District Board. Two of the ordinances deal with the management districts. One could be called the base level of service and the second is for an enhanced level of service. The enhanced level is deemed the Core District. Management Business Districts have been in the Downtown Lincoln area since 1989. The two districts were recreated in 1999, then again in 2006. In 2006, the ordinance limited the term to 10 years, and the two districts will expire on August 31, 2016. In 2014, two Business Improvement Districts were created for management in the West Haymarket area. Those two districts do not have a sunset clause and will continue on indefinitely unless they are disestablished in the future. Due to the August expiration to the existing Downtown Management Improvement Districts, the new business improvement district has been looked at to create a new Business Improvement Districts for management purposes in Downtown Lincoln. The Business Improvement Advisory Board was created to come back with recommendations. These being created now, the boundaries were expanded on and is broader than the current Business Improvement Districts. The boundaries are large enough to incorporate the West Haymarket Area and the Downtown Lincoln Area. This will enable the two prior Business Improvement Districts to be disestablished to allow only 2 districts instead of 4 in order to monitor and perform special assessments. The Board has recommended creating an enlarged Core Management Business Improvement District and the Base Improvement District. Some properties will be in both districts and will pay for two assessments. There will be no functional changes with only having two districts except 4 properties are being added into the Core District.

John Kay, 5921 Rolling Hills Boulevard, business and property owner in the current and proposed district, Chair of the Downtown Lincoln Improvement District Board, came forward and requested approval.

Terry Uland, Downtown Lincoln Association, came forward and stated typically this would be looked at when the budget is looked at year to year, but because this a 10 year renewal and there are a few changes, it is good to review.

Todd Ogdan, 206 S. 13th Street, Deputy Director Downtown Lincoln Association, came forward and requested approval.

Mr. Camp asked how the borders are decided and the process when the borders change.

Mr. Uland stated typically that is decided when they are renewed. With the State Legislation changing they will be able to expand incrementally. Once the districts are consolidated, it will be easier to expand and they will not have to wait every 10 years when the Business Improvement Districts expires. If property owners come along, that can now be considered on an as needed basis.

Leirion Gaylor Baird, Council Member, asked how long this process has taken.

Mr. Uland stated the first workshop was in October, 2014 and they have had a number of surveys, stake holder analysis, stake holder meetings and notifications.

Mr. Kay stated there were open houses for all representative owners and open meetings for the Board. The Board felt there was merit in adding four full blocks between 8th and 10th and N and O and two additional blocks between 9th and 11th and M and N.

Bryan Sullivan, Embassy Suites Lincoln, Chair Downtown Lincoln Association Board, came forward to testify on behalf of the Board in support. Mr. Sullivan asked a number of individuals in the audience to stand who also are in support of the ordinance.

Brad Segal, President of Progressive Urban Management Association, 1201 E. Cofax Avenue, came forward in support.

This matter was taken under advisement.

## COUNCIL ACTION

### REPORTS OF CITY OFFICERS

APPOINTING MARY M. CAMPBELL TO THE NEBRASKA CAPITOL ENVIRONS COMMISSION FOR A TERM EXPIRING JANUARY 9, 2019 - CLERK read the following resolution, introduced by Leirion Gaylor Baird, who moved its adoption:

A-89707 BE IT RESOLVED by the City Council of the City of Lincoln, Nebraska:

That the appointment of Mary M. Campbell to the Nebraska Capitol Environs Commission, for a term expiring January 9, 2019, is hereby approved.

Introduced by Leirion Gaylor Baird

Seconded by Raybould & carried by the following vote: AYES: Camp, Christensen, Eskridge, Fellers, Gaylor Baird, Lamm, Raybould; NAYS: None.

CLERK'S LETTER AND MAYOR'S APPROVAL OF RESOLUTION AND ORDINANCES PASSED BY CITY COUNCIL ON APRIL 25, 2016 - CLERK presented said report which was placed on file in the Office of the City Clerk. **(27-1)**

REPORT FROM CITY TREASURER OF FRANCHISE TAX FROM TIME WARNER CABLE FOR THE QUARTER ENDING MARCH 31, 2016 - CLERK presented said report which was placed on file in the Office of the City Clerk. **(41-2518A)**

REPORT FROM CITY TREASURER OF FRANCHISE TAX FROM WINDSTREAM - CLERK presented said report which was placed on file in the Office of the City Clerk. **(41-2518C)**

REPORT FROM CITY TREASURER OF FRANCHISE FEES FROM BLACK HILLS CORPORATION FOR THE MONTH OF MARCH, 2016 - CLERK presented said report which was placed on file in the Office of the City Clerk. **(16-1B)**

REPORT FROM CITY TREASURER OF 911 SURCHARGES FOR THE MONTH OF MARCH, 2016 - CLERK presented said report which was placed on file in the Office of the City Clerk. **(20-02)**

### LIQUOR RESOLUTIONS

APPLICATION OF LOU LOU'S LOUNGE, LLC DBA LOU LOU'S LOUNGE FOR A CLASS C LIQUOR LICENSE AT 5250 CORNHUSKER HIGHWAY - CLERK read the following resolution, introduced by Jon Camp, who moved its adoption for denial:

A-89708 BE IT RESOLVED by the City Council of the City of Lincoln, Nebraska:

That after hearing duly had as required by law, consideration of the facts of this application, the Nebraska Liquor Control Act, pertinent City ordinances, and the following:

- a. If the applicant is of a class of person to whom no license can be issued.
- b. If the existing population of the City of Lincoln and the projected population growth of the City of Lincoln and within the area to be served are adequate to support the proposed license.
- c. If the issuance of the license would be compatible with the nature of the neighborhood or community.
- d. If existing licenses with similar privileges adequately serve the area.
- e. If there are any existing motor vehicle and/or pedestrian traffic flow issues in the area or if this application would cause motor vehicle and/or pedestrian traffic flow issues.
- f. If there is an adequate number of existing law enforcement officers in the area.
- g. If there are zoning and/or distance restrictions that prevent the issuance of a license.
- h. If there are sanitation and/or sanitary conditions on or about the area.
- i. If a citizens' protest has been made.

The City Council recommends to the Nebraska Liquor Control Commission that the application of Lou Lou's Lounge, LLC dba Lou Lou's Lounge for a Class "C" liquor license at 5250 Cornhusker Highway, Lincoln, Nebraska, be denied. The City Council has determined that the application should be denied for one or more of the following reasons:

- a. The applicant is unfit, unwilling, and/or unable to properly provide the service proposed within the City of Lincoln.
- b. The applicant cannot conform to all provisions and requirements of and rules and regulations adopted pursuant to the Nebraska Liquor Control Act and/or pertinent City ordinances.
- c. The applicant has not demonstrated that the type of management and control to be exercised over the premises described in the application will be sufficient to insure that the licensed business can conform to all provisions and requirements of and rules and regulations adopted pursuant to the Nebraska Liquor Control Act, and pertinent City ordinances.

- d. The applicant has not demonstrated that the issuance of the license is or will be required by the present or future public convenience and necessity.

BE IT FURTHER RESOLVED that the City Clerk is directed to transmit a copy of this resolution to the Nebraska Liquor Control Commission.

Introduced by Jon Camp

Seconded by Christensen & carried by the following vote: AYES: Camp, Christensen, Eskridge, Fellers, Gaylor Baird, Lamm, Raybould; NAYS: None.

MANAGER APPLICATION OF LINDEE L. SCHULTE FOR LOU LOU'S LOUNGE, LLC DBA LOU LOU'S LOUNGE AT 5250 CORNHUSKER HIGHWAY - CLERK read the following resolution, introduced by Jon Camp, who moved its adoption for denial:

A-89709 WHEREAS, Lou Lou's Lounge, LLC dba Lou Lou's Lounge located at 5250 Cornhusker Highway, Lincoln, Nebraska requests that Lindee L. Schulte be named manager of its facility in accordance with its application for a liquor license.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Lincoln, Nebraska:

That after hearing duly had as required by law, consideration of the facts of this application, the Nebraska Liquor Control Act, and the pertinent City ordinances, the City Council recommends to the Nebraska Liquor Commission that Lindee L. Schulte be denied as manager of this business for said licensee. The City Council has determined that the application should be denied for one or more of the following reasons:

- a. The applicant is unfit, unwilling, and/or unable to properly provide the service proposed within the City of Lincoln.
- b. The applicant cannot conform to all provisions and requirements of and rules and regulations adopted pursuant to the Nebraska Liquor Control Act and/or pertinent City ordinances.
- c. The applicant has not demonstrated that the type of management and control to be exercised over the premises described in the application will be sufficient to insure that the licensed business can conform to all provisions and requirements of and rules and regulations adopted pursuant to the Nebraska Liquor Control Act, and pertinent City ordinances.

The City Clerk is directed to transmit a copy of this resolution to the Nebraska Liquor Control Commission.

Introduced by Jon Camp

Seconded by Christensen & carried by the following vote: AYES: Camp, Christensen, Eskridge, Fellers, Gaylor Baird, Lamm, Raybould; NAYS: None.

MANAGER APPLICATION OF RYAN M. READINGER FOR 1339 O STREET, INC. DBA BROTHERS BAR & GRILL AT 1339 O STREET - CLERK read the following resolution, introduced by Jon Camp, who moved its adoption:

A-89710 WHEREAS, 1339 O Street, Inc. dba Brothers Bar & Grill located at 1339 O Street, Lincoln, Nebraska has been approved for a Retail Class "C" liquor license, and now requests that Ryan M. Readinger be named manager;

WHEREAS, Ryan M. Readinger appears to be a fit and proper person to manage said business.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Lincoln, Nebraska:

That after hearing duly had as required by law, consideration of the facts of this application, the Nebraska Liquor Control Act, and the pertinent City ordinances, the City Council recommends that Ryan M. Readinger be approved as manager of this business for said licensee.

The City Clerk is directed to transmit a copy of this resolution to the Nebraska Liquor Control Commission.

Introduced by Jon Camp

Seconded by Raybould & carried by the following vote: AYES: Camp, Christensen, Eskridge, Fellers, Gaylor Baird, Lamm, Raybould; NAYS: None.

MANAGER APPLICATION OF KIRTI K. TRIVEDI FOR LNK LODGING, LLC DBA HOLIDAY INN EXPRESS & SUITES LINCOLN AIRPORT AT 1101 WEST COMMERCE WAY - PRIOR to reading:

CAMP Moved to continue Public Hearing with Action to 05/23/16

Seconded by Christensen & carried by the following vote: AYES: Camp, Christensen, Eskridge, Fellers, Gaylor Baird, Lamm, Raybould; NAYS: None.

APPLICATION OF ASPIRE CELLARS, LLC DBA CELLAR 426 WINERY FOR A SPECIAL DESIGNATED LICENSE TO COVER AN OUTDOOR AREA MEASURING APPROXIMATELY 10 FEET BY 10 FEET AT THE SHOPPES AT PIEDMONT AT 1265 SOUTH COTNER BOULEVARD ON JUNE 4, 2016 FROM 5:00 P.M. TO 11:00 P.M. - CLERK read the following resolution, introduced by Jon Camp, who moved its adoption:

A-89711 BE IT RESOLVED by the City Council of the City of Lincoln, Nebraska:

That after hearing duly had as required by law, consideration of the facts of this application, the Nebraska Liquor Control Act, and the pertinent City ordinances, the City Council recommends that the application of Aspire Cellars, LLC dba Cellar 426 Winery for a special designated license to cover an outdoor area measuring approximately 10 feet by 10 feet at The Shoppes at Piedmont at 1265 South Cotner Boulevard, Lincoln, Nebraska, on June 4, 2016, between the hours of 5:00 p.m. and 11:00 p.m., be

**REGULAR MEETING  
MAY 16, 2016  
PAGE 604**

approved with the condition that the premises complies in every respect with all City and State regulations and with the following requirements:

1. Identification to be checked, wristbands required on all parties wishing to consume alcohol.
2. Adequate security shall be provided for the event.
3. The area requested for the permit shall be separated from the public by a fence or other means.
4. Responsible alcohol service practices shall be followed.

BE IT FURTHER RESOLVED the City Clerk is directed to transmit a copy of this resolution to the Nebraska Liquor Control Commission.

Introduced by Jon Camp

Seconded by Raybould & carried by the following vote: AYES: Camp, Christensen, Eskridge, Fellers, Gaylor Baird, Lamm, Raybould; NAYS: None.

APPLICATION OF MIRETTA VINEYARDS & WINERY, INC. FOR A SPECIAL DESIGNATED LICENSE TO COVER AN OUTDOOR AREA MEASURING APPROXIMATELY 120 FEET BY 180 FEET AT THE SHOPPES AT PIEDMONT AT 1265 SOUTH COTNER BOULEVARD ON JUNE 4, 2016 FROM 5:00 P.M. TO 11:00 P.M. - CLERK read the following resolution, introduced by Jon Camp, who moved its adoption:

A-89712 BE IT RESOLVED by the City Council of the City of Lincoln, Nebraska:

That after hearing duly had as required by law, consideration of the facts of this application, the Nebraska Liquor Control Act, and the pertinent City ordinances, the City Council recommends that the application of Miretta Vineyards & Winery, Inc. for a special designated license to cover an outdoor area measuring approximately 120 feet by 180 feet at The Shoppes at Piedmont at 1265 South Cotner Boulevard, Lincoln, Nebraska, on June 4, 2016, between the hours of 5:00 p.m. and 11:00 p.m., be approved with the condition that the premises complies in every respect with all City and State regulations and with the following requirements:

1. Identification to be checked, wristbands required on all parties wishing to consume alcohol.
2. Adequate security shall be provided for the event.
3. The area requested for the permit shall be separated from the public by a fence or other means.
4. Responsible alcohol service practices shall be followed.

BE IT FURTHER RESOLVED the City Clerk is directed to transmit a copy of this resolution to the Nebraska Liquor Control Commission.

Introduced by Jon Camp

Seconded by Raybould & carried by the following vote: AYES: Camp, Christensen, Eskridge, Fellers, Gaylor Baird, Lamm, Raybould; NAYS: None.

APPLICATION OF JAMES ARTHUR VINEYARDS FOR A SPECIAL DESIGNATED LICENSE TO COVER AN OUTDOOR AREA MEASURING APPROXIMATELY 120 FEET BY 180 FEET AT THE SHOPPES AT PIEDMONT AT 1265 SOUTH COTNER BOULEVARD ON JUNE 4, 2016 FROM 5:00 P.M. TO 11:00 P.M. - CLERK read the following resolution, introduced by Jon Camp, who moved its adoption:

A-89713 BE IT RESOLVED by the City Council of the City of Lincoln, Nebraska:

That after hearing duly had as required by law, consideration of the facts of this application, the Nebraska Liquor Control Act, and the pertinent City ordinances, the City Council recommends that the application of James Arthur Vineyards for a special designated license to cover an outdoor area measuring approximately 120 feet by 180 feet at The Shoppes at Piedmont at 1265 South Cotner Boulevard, Lincoln, Nebraska, on June 4, 2016, between the hours of 5:00 p.m. and 11:00 p.m., be approved with the condition that the premises complies in every respect with all City and State regulations and with the following requirements:

1. Identification to be checked, wristbands required on all parties wishing to consume alcohol.
2. Adequate security shall be provided for the event.
3. The area requested for the permit shall be separated from the public by a fence or other means.
4. Responsible alcohol service practices shall be followed.

BE IT FURTHER RESOLVED the City Clerk is directed to transmit a copy of this resolution to the Nebraska Liquor Control Commission.

Introduced by Jon Camp

Seconded by Raybould & carried by the following vote: AYES: Camp, Christensen, Eskridge, Fellers, Gaylor Baird, Lamm, Raybould; NAYS: None.

APPLICATION OF WHISKEY RUN CREEK VINEYARD & WINERY, LLC FOR A SPECIAL DESIGNATED LICENSE TO COVER AN OUTDOOR AREA MEASURING APPROXIMATELY 120 FEET BY 180 FEET AT THE SHOPPES AT PIEDMONT AT 1265 SOUTH COTNER BOULEVARD ON JUNE 4, 2016 FROM 5:00 P.M. TO 11:00 P.M. - CLERK read the following resolution, introduced by Jon Camp, who moved its adoption:

A-89714 BE IT RESOLVED by the City Council of the City of Lincoln, Nebraska:  
That after hearing duly had as required by law, consideration of the facts of this application, the Nebraska Liquor Control Act, and the pertinent City ordinances, the City Council recommends that the application of Whiskey Run Creek Vineyard & Winery, LLC for a special designated license to cover an outdoor area measuring approximately 120 feet by 180 feet at The Shoppes at Piedmont at 1265 South Cotner Boulevard, Lincoln, Nebraska, on June 4, 2016, between the hours of 5:00 p.m. and 11:00 p.m., be approved with the condition that the premises complies in every respect with all City and State regulations and with the following requirements:

1. Identification to be checked, wristbands required on all parties wishing to consume alcohol.
2. Adequate security shall be provided for the event.
3. The area requested for the permit shall be separated from the public by a fence or other means.
4. Responsible alcohol service practices shall be followed.

BE IT FURTHER RESOLVED the City Clerk is directed to transmit a copy of this resolution to the Nebraska Liquor Control Commission.

Introduced by Jon Camp

Seconded by Raybould & carried by the following vote: AYES: Camp, Christensen, Eskridge, Fellers, Gaylor Baird, Lamm, Raybould; NAYS: None.

PUBLIC HEARING - RESOLUTIONS

APPROVING A CONTRACT BETWEEN THE CITY OF LINCOLN AND CAPITAL HUMANE SOCIETY FOR ANIMAL SHELTER SERVICES, PURSUANT TO RFP NO. 16-083, FOR A FOUR-YEAR TERM BEGINNING SEPTEMBER 1, 2016 THROUGH AUGUST 31, 2020, WITH THE OPTION TO RENEW FOR ONE ADDITIONAL FOUR YEAR TERM - CLERK read the following resolution, introduced by Leirion Gaylor Baird, who moved its adoption:

A-89715 BE IT RESOLVED by the City Council of the City of Lincoln, Nebraska:  
That the attached Contract between the City of Lincoln and Capital Humane Society for Animal Shelter Services, pursuant to RFP No. 16-083, for a four (4) year term beginning September 1, 2016 through August 31, 2020, with the option to renew for one (1) additional four (4) year term, upon the terms as set forth in said Contract, is hereby approved and the Mayor is authorized to execute the same on behalf of the City of Lincoln.

Introduced by Leirion Gaylor Baird

Seconded by Raybould & carried by the following vote: AYES: Camp, Christensen, Eskridge, Fellers, Gaylor Baird, Lamm, Raybould; NAYS: None.

ACCEPTING THE REPORT OF NEW AND PENDING CLAIMS AGAINST THE CITY AND APPROVING DISPOSITION OF CLAIMS SET FORTH FOR THE PERIOD OF APRIL 16-30, 2016 - PRIOR to reading:

CAMP Moved to Amend Bill 16R-99 in the following manner: The following claim should be removed from the list of DENIED CLAIMS: Veronique Claudio Unspecified Amount.  
Seconded by Raybould and carried by the following vote: AYES: Camp, Christensen, Eskridge, Fellers, Gaylor Baird, Lamm, Raybould. NAYS: None.

CLERK Read the following resolution, introduced by Leirion Gaylor Baird, who moved its adoption as amended:

A-89716 BE IT RESOLVED by the City Council of the City of Lincoln, Nebraska:  
That the claims listed in the attached report, marked as Exhibit "A", dated May 2, 2016, of various new and pending tort claims filed against the City of Lincoln with the Office of the City Attorney or the Office of the City Clerk, as well as claims which have been disposed of, are hereby received as required by Neb. Rev. Stat. § 13-905 (Reissue 1997). The dispositions of claims by the Office of the City Attorney, as shown by the attached report, are hereby approved:

<u>DENIED CLAIMS</u>		<u>ALLOWED/SETTLED CLAIMS</u>	
Veronique Claudio	NAS*	Farmers Mutual	
Mark & Kathy Hoefs	NAS*	a/s/o Mary Furgerson	\$1,329.63
Lhonda & Paul Larson	\$1,600.00	Ashley Blunk	1,535.63
Ben Henderson	80.00	Denzel Angeles	204.88
Alyssa Stander	25,000.00	Ally Financial	5,529.00
Tim Cronin	499.99	Lincoln Public Schools	47.01
State Farm Insurance			
a/s/o Kathy Corbett	4,807.99		
Tim Smith	320.64		
Farm Bureau Financial Services			
a/s/o Jason Reed	10,392.56		
Progressive Insurance			
a/s/o Billy Claudio	3,916.32		
* No Amount Specified			

The City Attorney is hereby directed to mail to the various claimants listed herein a copy of this resolution which shows the final disposition of their claim.

**REGULAR MEETING  
MAY 16, 2016  
PAGE 606**

Introduced by Leirion Gaylor Baird

Seconded by Christensen & carried by the following vote: AYES: Camp, Christensen, Eskridge, Fellers, Gaylor Baird, Lamm, Raybould; NAYS: None.

APPROVING THE LABOR CONTRACT BETWEEN THE CITY OF LINCOLN AND LINCOLN POLICE UNION (LPU) FOR A TERM EFFECTIVE AUGUST 13, 2015 THROUGH AUGUST 31, 2016 - CLERK read the following resolution, introduced by Leirion Gaylor Baird, who moved its adoption:

A-89717 BE IT RESOLVED by the City Council of the City of Lincoln, Nebraska:

That the attached labor contract between the City of Lincoln and the Lincoln Police Union (LPU) to be effective August 13, 2015 through August 31, 2016, is hereby approved, and the Mayor is authorized to execute the same on behalf of the City.

Introduced by Leirion Gaylor Baird

Seconded by Christensen & carried by the following vote: AYES: Camp, Christensen, Eskridge, Fellers, Gaylor Baird, Lamm, Raybould; NAYS: None.

ORDERING CONSTRUCTION OF SIDEWALKS ALONG THE WEST SIDE OF 48<sup>TH</sup> STREET FROM HOLDREGE TO LEIGHTON STREET WHERE SIDEWALKS CURRENTLY DO NOT EXIST (4/11/16 - PLACED ON PENDING UNTIL 5/16/16) - PRIOR to reading:

CHRISTENSEN Moved for Public Hearing and Action to be delayed to 06/06/16.

Seconded by Eskridge and carried by the following vote: AYES: Camp, Christensen, Eskridge, Fellers, Gaylor Baird, Lamm, Raybould. NAYS: None.

APPROVING AN AGREEMENT BETWEEN THE CITY OF LINCOLN ON BEHALF OF THE LINCOLN PARKS AND RECREATION DEPARTMENT AND THE LINCOLN PARKS FOUNDATION TO PROVIDE FUNDING FOR THE WOODS PARK TENNIS CENTER RENOVATION PROJECT AND THE ASSOCIATED ENDOWMENT. (RELATED ITEMS 16R-91, 16R-92) (5/9/16 - PUBLIC HEARING & ACTION CONT'D 1 WEEK TO 5/16/16) - PRIOR to reading:

CHRISTENSEN Moved to Amend Bill No. 16R-91 by substituting the attached Agreement Regarding Funding For Woods Park Tennis Center Project executed by the Lincoln Parks and Recreation Foundation dated 5/13/16 for the Agreement attached to Bill No. 16R-91 executed by the Lincoln Parks and Recreation foundation dated 4/26/16.

Seconded by Raybould and carried by the following vote: AYES: Camp, Christensen, Eskridge, Fellers, Gaylor Baird, Lamm, Raybould; NAYS: None.

CLERK Read the following resolution, introduced by Carl Eskridge, who moved its adoption as amended:

A-89718 BE IT RESOLVED by the City Council of the City of Lincoln, Nebraska:

That the attached Agreement between the City of Lincoln on behalf of Lincoln Parks and Recreation Department and the Lincoln Parks and Recreation Foundation to provide funding for the Woods Park Tennis Center renovation project and the associated endowment, upon the terms and conditions as set forth in said Agreement, is hereby approved, and the Mayor is authorized to enter into and execute said Agreement and make any necessary amendments thereto on behalf of the City.

The City Clerk is hereby directed to transmit a copy of the executed original Agreement to Lynn Johnson, Director of the Parks and Recreation Department, for transmittal to the Lincoln Parks and Recreation Foundation.

Introduced by Carl Eskridge

Seconded by Christensen & carried by the following vote: AYES: Camp, Christensen, Eskridge, Fellers, Gaylor Baird, Lamm, Raybould; NAYS: None.

AMENDING THE FUNDING SHOWN FOR PARKS AND RECREATION CIP PROJECT 409417 WOODS PARK TENNIS CENTER BY ALLOCATING AN ADDITIONAL \$1,250,000 OF PREVIOUSLY APPROPRIATED, BUT UNALLOCATED KENO FUNDS AND CHANGING AND INCREASING THE APPROPRIATION FROM \$4,600,000 OF CAPITAL CAMPAIGN DONATIONS, IDENTIFIED AS OTHER FUNDS, TO \$4,628,370 FOR THE WOODS PARK TENNIS CENTER PROJECT. (RELATED ITEMS 16R-91, 16R-92) (5/9/16 - PUBLIC HEARING & ACTION CONT'D 1 WEEK TO 5/16/16) - PRIOR to reading:

LAMM Moved to Amend Bill No. 16R-92 as follows:

1. On page 1, line 9 delete \$1,250,000 and insert \$975,000.
2. On page 1, line 12 delete \$28,370 and insert \$303,370.
3. On page 1, line 15 delete \$1,250,000 and insert \$975,000.
4. One page 1, line 18 delete \$28,370 and insert \$303, 370.

Seconded by Christensen and carried by the following votes: AYES: Camp, Christensen, Eskridge, Fellers, Gaylor Baird, Lamm, Raybould; NAYS: None.

CLERK Read the following resolution, introduced by Carl Eskridge, who moved its adoption as amended:

A-89719 WHEREAS, the Woods Tennis Center Project has been previously established as a capital improvement project within the Capital Improvement Program adopted by and attached to the FY 2012-13 annual budget resolution; and

WHEREAS, all previous capital appropriations for the Woods Tennis Center Project are continuing appropriations which do not lapse pursuant to Section 27 of Article 1X of the Charter of the City of Lincoln; and

WHEREAS, it is necessary to amend the FY 2014-2016 biennial budget for FY 2015-2016 to increase the total appropriations for the Woods Tennis Center Project by transferring and appropriating ~~\$1,250,000~~ \$975,000 of unallocated KENO Cash from Fund #175 KENO Business Unit 06004 to the Woods Tennis Center Project 409417 and by increasing appropriations of Other Funding (from donations) in the Woods Tennis Center Project 409417 by ~~\$28,370~~ \$303,370.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Lincoln, Nebraska:

1. That the City Council hereby transfers and appropriates ~~\$1,250,000~~ \$975,000 of unallocated KENO Cash from Fund #175 KENO Business Unit 06004 to the Woods Tennis Center Project 409417.
2. That the City Council hereby increases the appropriation of Other Funding (from donations) in Woods Tennis Center Project 409417 by ~~\$28,370~~ \$303,370.
3. That the Finance Director is directed to make the necessary adjustments in the FY 2014-2016 biennial budget for FY 2015-2016 to accomplish the above transfer and increases in appropriations to the Woods Tennis Center Project 409417.

Introduced by Carl Eskridge

Seconded by Christensen & carried by the following vote: AYES: Camp, Christensen, Eskridge, Fellers, Gaylor Baird, Lamm, Raybould; NAYS: None.

**PUBLIC HEARING ORDINANCES - 2<sup>ND</sup> READING & RELATED RESOLUTIONS (as required)**

APPROVING THE ESTABLISHMENT, EFFECTIVE 9/1/2016, OF THE DOWNTOWN CORE MANAGEMENT BUSINESS IMPROVEMENT DISTRICT WITHIN THE EXTERIOR BOUNDARIES OF AN AREA GENERALLY EXTENDING FROM N STREET ON THE SOUTH AND PINNACLE ARENA DRIVE ON THE WEST; THENCE NORTH AND NORTHEASTERLY ALONG PINNACLE ARENA DRIVE TO 8TH STREET; THENCE SOUTH ALONG 8TH STREET TO S STREET; THENCE EAST ALONG S STREET TO 9TH STREET; THENCE SOUTH ALONG 9TH STREET TO Q STREET; THENCE EAST ALONG Q STREET TO 10TH STREET; THENCE NORTH ALONG 10TH STREET TO A POINT APPROXIMATELY MID-BLOCK BETWEEN Q STREET AND R STREET; THENCE EAST ALONG SAID MID-BLOCK POINT TO 14TH STREET; THENCE SOUTH ALONG 14TH STREET TO Q STREET; THENCE EAST ALONG Q STREET TO CENTENNIAL MALL; THENCE SOUTH ALONG CENTENNIAL MALL TO M STREET; THENCE WEST ALONG M STREET TO 13TH STREET; THENCE SOUTH ALONG 13TH STREET TO L STREET; THENCE WEST ALONG L STREET TO 12TH STREET; THENCE NORTH ALONG 12TH STREET TO M STREET; THENCE WEST ALONG M STREET TO 9TH STREET; THENCE NORTH ALONG 9TH STREET TO N STREET; THENCE WEST ALONG N STREET TO PINNACLE ARENA DRIVE, TO REPLACE THE EXISTING CORE BUSINESS IMPROVEMENT DISTRICT OVERLAY IN THE DOWNTOWN AREA WHICH EXPIRES ON 8/31/2016. (RELATED ITEMS: 16-44, 16-45, 16-46, 16-47) - CLERK read an ordinance, Introduced by Leirion Gaylor Baird, an ordinance creating a business improvement district under the authority of the Business Improvement District act (Neb. Rev. Stat § 19-4015, et seq.) and based upon the recommendations received from the duly appointed Downtown Business Improvement Board to be known as the Downtown Core Management Business Improvement District for enhanced promotion and programming of downtown Lincoln as a regional destination within the exterior boundaries of an area generally extending from N Street on the south and Pinnacle Arena Drive on the west; thence north and northeasterly along Pinnacle Arena Drive to 8th Street; thence south along 8th Street to S Street; thence east along S Street to 9th Street; thence south along 9th Street to Q Street; thence east along Q Street to 10th Street; thence north along 10th Street to a point approximately mid-block between Q Street and R Street; thence east along said mid-block point to 14th Street; thence south along 14th Street to Q Street; thence east along Q Street to Centennial Mall; thence south along Centennial Mall to M Street; thence west along M Street to 13th Street; thence south along 13th Street to L Street; thence west along L Street to 12th Street; thence north along 12th Street to M Street; thence west along M Street to 9th Street; thence north along 9th Street to N Street; thence west along N Street to Pinnacle Arena Drive ("Exterior Boundary Area"); providing for special assessments to be imposed within the district based upon the benefits conferred; and providing maximum limits upon such assessments, the second time.

APPROVING THE ESTABLISHMENT, EFFECTIVE 9/1/2016, OF THE DOWNTOWN MANAGEMENT BUSINESS IMPROVEMENT DISTRICT WITHIN THE EXTERIOR BOUNDARIES OF AN AREA GENERALLY EXTENDING FROM N STREET ON THE SOUTH AND PINNACLE ARENA DRIVE ON THE WEST; THENCE NORTH AND NORTHEASTERLY ALONG PINNACLE ARENA DRIVE TO 9TH STREET; THENCE SOUTHEASTERLY ALONG 9TH STREET AND I-180 TO A POINT APPROXIMATELY MID-BLOCK BETWEEN R STREET AND Q STREET; THENCE EAST ALONG SAID MID-POINT TO 14TH STREET; THENCE SOUTH ALONG 14TH STREET TO Q STREET; THENCE EAST ALONG Q STREET TO 17TH STREET; THENCE SOUTH ALONG 17TH STREET TO K STREET; THENCE WEST ALONG K STREET TO 14TH STREET; THENCE SOUTH ALONG 14TH STREET TO A POINT APPROXIMATELY MID-BLOCK BETWEEN LINCOLN MALL AND H STREET; THENCE WEST ALONG SAID MID-BLOCK POINT TO 10TH STREET; THENCE SOUTH ALONG 10TH STREET TO K STREET; THENCE WEST ALONG K STREET TO 8TH STREET; THENCE NORTH ALONG 8TH STREET TO N STREET; THENCE WEST ALONG N STREET TO PINNACLE ARENA DRIVE, TO REPLACE THE EXISTING BUSINESS IMPROVEMENT DISTRICT OVERLAY IN THE DOWNTOWN AREA WHICH EXPIRES ON 8/31/2016. (RELATED ITEMS: 16-

**REGULAR MEETING  
MAY 16, 2016  
PAGE 608**

44, 16-45, 16-46, 16-47) - CLERK read an ordinance, Introduced by Leirion Gaylor Baird, an ordinance creating a business improvement district under the authority of the Business Improvement District act (Neb. Rev. Stat § 19-4015, et seq.) and based upon the recommendations received from the duly appointed Downtown Business Improvement Board to be known as the Downtown Management Business Improvement District for the purpose of guiding downtown Lincoln's evolution as a vibrant mixed use center, positioning downtown Lincoln as a hub for innovation and entrepreneurship, and making downtown Lincoln more livable and workable through economic development activities, advocacy, and special projects that affect downtown Lincoln within the exterior boundaries of an area generally extending from N Street on the south and Pinnacle Arena Drive on the west; thence north and northeasterly along Pinnacle Arena Drive to 9th Street; thence southeasterly along 9th Street and I-180 to a point approximately mid-block between R Street and Q Street; thence east along said mid-block point to 14th Street; thence south along 14th Street to Q Street; thence east along Q Street to 17th street; thence south along 17th Street to K Street; thence west along K Street to 14th Street; thence south along 14th Street to a point approximately mid-block between Lincoln Mall and H Street; thence west along said mid-block point to 10th Street; thence south along 10th Street to K Street; thence west along K Street to 8th Street; thence north along 8th Street to N Street; thence west along N Street to Pinnacle Arena Drive ("Exterior Boundary Area"); providing for special assessments to be imposed within the district based upon the benefits conferred; and providing maximum limits upon such assessments, the second time.

APPROVING THE DISESTABLISHMENT OF THE WEST HAYMARKET/DOWNTOWN CORE MANAGEMENT BUSINESS IMPROVEMENT DISTRICT, THE BOUNDARIES OF WHICH GENERALLY EXTEND ALONG THE EXTERIOR LINES OF PINNACLE ARENA DRIVE ON THE WEST AND NORTH, NORTH 8<sup>TH</sup> AND NORTH 9<sup>TH</sup> STREETS ON THE EAST, AND O AND N STREETS ON THE SOUTH, EFFECTIVE AUGUST 31, 2016. (RELATED ITEMS: 16-44, 16-45, 16-46, 16-47) - CLERK read and ordinance, Introduced by Leirion Gaylor Baird, an ordinance disestablishing the West Haymarket/Downtown Core Management Business Improvement District under the authority of the Business Improvement District Act (Neb. Rev. Stat. § 19-4015, et seq.), the second time.

APPROVING THE DISESTABLISHMENT OF THE WEST HAYMARKET/DOWNTOWN MANAGEMENT BUSINESS IMPROVEMENT DISTRICT, THE BOUNDARIES OF WHICH GENERALLY EXTEND ALONG THE EXTERIOR LINES OF PINNACLE ARENA DRIVE ON THE WEST AND NORTH, NORTH 10<sup>TH</sup> STREET ON THE EAST, AND Q, R AND N STREETS ON THE SOUTH, EFFECTIVE AUGUST 31, 2016. (RELATED ITEMS: 16-44, 16-45, 16-46, 16-47) - CLERK read and ordinance, Introduced by Leirion Gaylor Baird, an ordinance disestablishing the West Haymarket/Downtown Management Business Improvement District under the authority of the Business Improvement District act (Neb. Rev. Stat. § 14-4015, et seq.), the second time.

**ORDINANCES - 3<sup>rd</sup> READING & RELATED RESOLUTIONS**

ORDINANCE AUTHORIZING THE CITY TO ENTER INTO A LEASE-PURCHASE TRANSACTION IN A PRINCIPAL AMOUNT OF NOT TO EXCEED \$9,650,000 TO PURCHASE AND INSTALL (I) LIGHT POLES AND RELATED EQUIPMENT FOR THE LIGHTING OF STREETS; (II) FIRE APPARATUS AERIAL TRUCKS AND NEW FIRE ENGINES; (III) A FIRE STATION TO REPLACE THE CITY'S EXISTING FIRE STATION NO. 11, WHICH IS CURRENTLY LOCATED ON LAND PROVIDED BY THE LINCOLN AIRPORT AUTHORITY; AND (IV) A NEW ROOF AND HVAC SYSTEMS FOR THE CITY'S MUNICIPAL SERVICES CENTER LOCATED AT 901 AND 949 WEST BOND STREET, AND RELATED MATTERS (5/9/16 - ACTION DELAYED 1 WEEK TO 5/16/16) - PRIOR to reading:

CAMP Moved to Amend Bill No. 16-41 in the following manner:

1. In the Ordinance caption on page 1 and on page 3, in Section 4, delete "\$9,650,000" and replace it with \$8,550,000".
2. Insert a new Section 5 to read as follows:  
"There is herein authorized the following expenditures for the 2016 Project out of the Certificates of Participation, Series 2016: i) Subproject 1-up to \$2,500,000 to build a fire station to replace the City's existing Fire Station No. 11; ii) Subproject 2-up to \$2,000,000 for the purchase of fire apparatus aerial trucks and new fire engines; iii) Subproject 3-up to \$2,150,000 for a new roof and HVAC systems for the City's Municipal Services Center; and iv) Subproject 4-the remainder of the proceeds (\$1,900,000) of the Certificates of Participation, Series 2016, after costs and fees of issuance are paid, are to go toward the purchase and installation of light poles and related equipment for the lighting of streets. In the event the costs of Subprojects 1, 2, and/or 3 are less than the up to dollar amount for such Subproject any such cost savings may be applied to cover the costs of any such Subproject which exceeds its up to dollar amount. Any cost saving amounts not needed for Subprojects 1, 2, and/or 3 shall be expended on Subproject 4."

3. Renumber remaining sections after Section 5 to reflect the insertion of a new Section 5.  
Seconded by Lamm & carried by the following vote: AYES: Camp, Christensen, Eskridge, Fellers, Gaylor Baird, Lamm, Raybould; NAYS: None.

CLERK Read an ordinance, introduced by Roy Christensen, an ordinance of the City of Lincoln, Nebraska authorizing and approving a lease-purchase transaction with Union Bank and Trust Company, the proceeds of which will be used to pay the costs of acquiring and installing light poles and related equipment, such as light fixtures, wiring, and other items necessary to complete the installation of new street lights in the city, fiber optic network installations and expansions, fire apparatus aerial trucks and fire engines, a fire station,

and a roof and hvac systems for the city municipal service center and to pay costs of issuance thereof; approving the issuance, sale and delivery of not to exceed ~~\$9,650,000~~ \$8,550,000 principal amount of certificates of participation in such lease; fixing in part and providing for the fixing in part of certain provisions of the lease; and related matters, the third time.

CHRISTENSEN Moved to pass the ordinance as amended.

Seconded by Raybould & carried by the following vote: AYES: Camp, Christensen, Eskridge, Fellers, Gaylor Baird, Lamm, Raybould; NAYS: None.

This ordinance, being numbered #20326, is recorded in Ordinance Book #31.

AMENDING THE PAY SCHEDULE FOR THE EMPLOYEE GROUP WHOSE CLASSIFICATIONS ARE ASSIGNED TO THE PAY RANGE WHICH IS PREFIXED BY THE LETTER "C" BY CREATING THE CLASSIFICATION OF "GIS TECHNICIAN" - CLERK read an ordinance, introduced by Carl Eskridge, amending Ordinance No. 20228 passed August 10, 2015, relating to the schedules to pay ranges for employees of the City of Lincoln whose classifications are assigned to a pay range which is prefixed by the letter "C", by creating the job classification of "GIS Technician", the third time.

ESKRIDGE Moved to pass the ordinance as read.

Seconded by Christensen & carried by the following vote: AYES: Camp, Christensen, Eskridge, Fellers, Gaylor Baird, Lamm, Raybould; NAYS: None.

This ordinance, being numbered #20327, is recorded in Ordinance Book #31.

AMENDING THE PAY SCHEDULE FOR THE EMPLOYEE GROUP WHOSE CLASSIFICATIONS ARE ASSIGNED TO THE PAY RANGE PREFIXED BY THE LETTER "N" TO DELETE THE CLASSIFICATIONS OF "LIBRARY ASSISTANT I" AND LIBRARY ASSISTANT II." - CLERK read an ordinance, introduced by Carl Eskridge, amending Ordinance No. 20227 passed August 10, 2015, relating to the schedules of pay ranges for employees of the City of Lincoln whose classifications are assigned to a pay range which is prefixed by the letter "N", by deleting the job classifications of "Library Assistant I" and Library Assistant II", the third time.

ESKRIDGE Moved to pass the ordinance as read.

Seconded by Christensen & carried by the following vote: AYES: Camp, Christensen, Eskridge, Fellers, Gaylor Baird, Lamm, Raybould; NAYS: None.

This ordinance, being numbered #20328, is recorded in Ordinance Book #31.

AMENDING THE PAY SCHEDULE FOR THE EMPLOYEE GROUP WHOSE CLASSIFICATIONS ARE ASSIGNED TO THE PAY RANGES PREFIXED BY THE LETTERS "A" AND "C" TO DELETE THE CLASSIFICATIONS OF "LIBRARY ASSISTANT III", "LIBRARY SYSTEMS COORDINATOR", "LIBRARIAN I", "II", "III", AND "IV", AND "LIBRARY SUPERVISOR "I", "II", "III", AND "IV" - CLERK read an ordinance, introduced by Carl Eskridge, amending Ordinance No. 20228 and Ordinance No. 20229 passed August 10, 2015, relating to the schedules of paya ranges for employees of the City of Lincoln whose classifications are assigned to a pay range which are prefixed by the letters "C" and "A", by deleting the job classifications of "Library Assistant III", and "Library Systems Coordinator", "Librarian I, II, III, and IV", and "Library Supervisor I, II, III, and IV", the third time.

ESKRIDGE Moved to pass the ordinance as read.

Seconded by Christensen & carried by the following vote: AYES: Camp, Christensen, Eskridge, Fellers, Gaylor Baird, Lamm, Raybould; NAYS: None.

This ordinance, being numbered #20329, is recorded in Ordinance Book #31.

#### RESOLUTIONS - 1<sup>ST</sup> READING

MISCELLANEOUS 16002 - APPLICATION OF IRONWOOD PROPERTIES TO INSTALL A LIGHT POLE IN A BUILDING LINE DISTRICT PER SECTION 27.72.170, FOR PARKING LOT LIGHTING, ON PROPERTY GENERALLY LOCATED AT 4822 PIONEERS BOULEVARD.

TEXT AMENDMENT 15008 - AMENDING CHAPTER 3.100 OF THE CITY OF LINCOLN DESIGN STANDARDS FOR OUTDOOR LIGHTING, BY AMENDING SECTION 3 TO REVISE THE DEFINITION OF "CUTOFF AND FULL-CUTOFF"; AMENDING SECTION 4.1 TO ADD A NEW SUBSECTION C. TO PROVIDE THE MAXIMUM AVERAGE MAINTAINED ILLUMINANCE FOR OUTDOOR AREAS UNDER LIGHTED MARQUEES; AND AMENDING SUBSECTION 9.A TO ADD A NEW SUBSECTION 2 TO PROVIDE ACCEPTABLE GLARE MEASUREMENTS FOR ZERO SETBACK PROPERTIES, AND REPEALING SECTIONS 3, 4.1, AND 9.A AS HITHERTO EXISTING.

APPROVING MICHEAL DESPAIN AS FIRE CHIEF EFFECTIVE JULY 18, 2016.

REAPPOINTING RUSSELL F. MILLER, HEATHER BAKER, AND ROGER (R.J.) LIPERT TO THE ALARM REVIEW BOARD FOR TERMS EXPIRING JULY 1, 2018. (CONSENT)

REAPPOINTING ORVILLE JONES TO THE LINCOLN HOUSING AUTHORITY BOARD FOR A TERM EXPIRING JULY 1, 2021. (CONSENT)

**REGULAR MEETING**  
**MAY 16, 2016**  
**PAGE 610**

REAPPOINTING SCOTT SANDQUIST TO THE BOARD OF ZONING APPEALS FOR A TERM EXPIRING FEBRUARY 1, 2020. *(CONSENT)*

APPROVING A CONTRACT BETWEEN THE CITY OF LINCOLN AND VON BUSCH & SONS REFUSE FOR RECYCLING DROP-OFF COLLECTION SERVICES, PURSUANT TO BID NO. 16-055, FOR A TERM BEGINNING JUNE 1, 2016 THROUGH MAY 31, 2020 WITH THE OPTION TO RENEW FOR TWO ADDITIONAL ONE YEAR TERMS. *(CONSENT)*

APPOINTING DR. KATHERINE GARCIA, DDS TO THE LINCOLN-LANCASTER COUNTY BOARD OF HEALTH FOR A TERM EXPIRING APRIL 15, 2019. *(CONSENT)*

**ORDINANCES - 1ST READING & RELATED RESOLUTIONS (AS REQUIRED)**

AMENDING SECTION 1 OF ORDINANCE NO. 20312 APPROVING PRAIRIE VILLAGE NORTH ANNEXATION NO. 16002 TO CORRECT THE LEGAL DESCRIPTION TO BE CONSISTENT WITH THE CORPORATE LIMITS MAP AMENDMENT SHOWN ON ATTACHMENT A ATTACHED TO ORDINANCE NO. 20312 - CLERK read and ordinance, introduced by Cyndi Lamm, an ordinance amending Section 1 of Ordinance No. 20312 including a portion of the vacated CRI&P right-of-way to revise the legal description of the annexation to conform to the Corporate Limits Map attached to and made part of Ordinance No. 18208, the first time.

APPROVING THE ESTABLISHMENT OF THE WEST “O” STREET MAINTENANCE BUSINESS IMPROVEMENT DISTRICT WITHIN THE EXTERIOR BOUNDARIES OF AN AREA GENERALLY ALONG WEST “O” STREET FROM 3<sup>RD</sup> STREET ON THE EAST TO HOMESTEAD EXPRESSWAY ON THE WEST AND INCLUDING THE PROPERTY ABUTTING THE NORTH AND SOUTH SIDES OF SAID WEST “O” STREET RIGHT-OF-WAY - CLERK read and ordinance, introduced by Cyndi Lamm, an ordinance creating a business improvement district under the authority of the Business Improvement District Act (Neb. Rev. Stat. § 16-4015 et seq.) and based upon the recommendations received from the duly appointed West "O" Street Business Improvement Board to be known as the West "O" Street Maintenance Business Improvement District for the purpose of providing for the maintenance, repair, and reconstruction of certain public facilities and improvements within the area generally abutting the north and south sides of West O Street from 3rd Street on the east and the Homestead Expressway on the west; providing for special assessments to be imposed within the district based upon the benefits conferred; and providing maximum limits upon such assessments, the first time.

**OPEN MICROPHONE**

Jane Kinsey, Watchdogs, came forward and stated her concern regarding Nebraska taxation, potholes on the streets, and Certificates of Participation.  
This matter was taken under advisement.

Terri Pope-Gonzalez, 349 S. 1st Street, came forward and discussed numerous issues.  
This matter was taken under advisement.

**ADJOURNMENT**

**5:02 P.M.**

CHRISTENSEN Moved to adjourn the City Council Meeting of May 16, 2016.  
Seconded by Raybould & carried by the following vote; AYES: Camp, Christensen, Eskridge, Fellers, Gaylor Baird, Lamm, Raybould; NAYS: None.

\_\_\_\_\_  
Teresa Meier, City Clerk

\_\_\_\_\_  
Mo net J. McCullen, Office Specialist